

Application No. 10/019,647

REMARKS

Claims 1-13 are pending in this application. By this Amendment, claims 1, 5 and 9 are amended. Support for the claim amendments can be found in the specification, for example, on page 15, line 24 - page 16, line 15. No new matter is added. Reconsideration of the application is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 1-13 under 35 U.S.C. §103(a) over JP03-038687 to Kazunori, or the Alleged Prior Art, each taken separately, in view of EP 0793166 to Morimoto et al. (hereinafter "Morimoto"), or JP10-021068 to Ichiro, each taken separately. This rejection is respectfully traversed.

The Office Action implicitly admits that neither Kazunori nor the Alleged Prior Art discloses a control program stored in mobile memory to be used in place of a control program within the projector module. The Office Action relies on Morimoto and Ichiro to provide the missing subject matter.

However, the Office Action also implicitly admits that neither Morimoto nor Ichiro discloses "activating/launching a program from mobile memory," and relies on Official Notice: "Video game cartridges or audio game/learning cartridges are plugged into the stations for executing the program stored on the cartridge. The station sometimes has a sample or initial program/game that runs without the cartridge. The plugged in cartridge

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replaces the initial program/game with a different game. The program/game on the cartridge is activated from the cartridge and not from the internal memory."

Applicants submit that the Office Action use of Official Notice is entirely improper, because it provides no documentary evidence nor any technical reasoning to support its conclusion. According to MPEP §2144.03, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known...It is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principle evidence upon which a rejection is based. *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697." Finally, if Official Notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying the decision to take such notice must be clear and unmistakable. In this case, the Office Action suggestion that the program/game is activated from the cartridge, and not from the internal memory, is certainly not capable of instant and unquestionable demonstration. In addition, it is the principle evidence upon which the rejection appears to be based. And lastly, the Office Action sets forth no clear and unmistakable line of reasoning underlying the decision to take Official Notice. Accordingly, Applicants submit that the Office Action use of Official Notice is fundamentally improper.

Furthermore, even if Official Notice could properly be relied upon in this instance, Applicants submit that neither Morimoto nor Ichiro discloses or suggests "wherein the second control system is an operating system" as recited in independent claims 1, 5 and 9.

Morimoto discloses an external storage device 3 having navigation data and programs stored therein to perform a route search and route guidance, and a central processing unit 4 which includes a program storage flash memory 41 and program loading means for loading a program from external storage device 3 into flash memory 41. However, the program stored

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on external storage device 3 is described as "navigation data" and a program to "perform a route search and route guidance." Nowhere in Morimoto is the external storage device described as storing an operating system.

Similarly, Ichiro discloses "when the contents of a program stored in RAM 7 are updated, a memory card 9 where a new program is stored and held is inserted into a memory card insertion slot 3 and the program is read out of the memory card 9 through the memory card input/output circuit 10 and written in specific addresses of the RAM 7." Ichiro is silent as to whether the programs stored on memory card 9 include operating systems.

Furthermore, regarding the Official Notice that "Video game cartridges or audio game/learning cartridges are plugged into stations for executing the program stored on the cartridge," Applicants submit that the programs stored on video game cartridges and audio game/learning cartridges are applications, not operating systems.

Accordingly, Applicants respectfully submit that none of Kazunori, the Alleged Prior Art, the Official Notice, Morimoto, nor Ichiro discloses or suggests each and every feature recited in independent claims 1, 5 and 9.

The Office Action further asserts that "most, if not all, dependent claim features are taught by the combination set forth above. However, in the event a claim feature(s) is not inherent applicant should consider the claim feature(s) in light of the Official notification put forth below. Official notice is taken of the prior art teaching any claim features not specifically discussed above."

Because the Office Action does not specifically set forth which claim features are allegedly inherently disclosed by the primary references, and which are considered to be known by the Official Notice, Applicants are at a loss to respond as to the rejection of the dependent claims. Applicants respectfully request that the Office Action set forth the specific portions of the applied references, which are alleged to disclose the claimed features.

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Similarly, Applicants respectfully request that the Examiner set forth which features Official Notice is taken. Furthermore, Applicants request that the Examiner provide references which support the assertion of Official Notice.

Applicants submit that the rejection of dependent claims 1, 5, and 9 under 35 U.S.C. §103(a) is fundamentally improper, because the Office Action fails to set forth documentary evidence to support the Official Notice. Applicants additionally submit that the rejection of dependent claims 2-4, 6-8 and 10-13 under 35 U.S.C. §103(a) is fundamentally improper, because the Office Action fails to identify specific portions of the references which allegedly disclose these features, or what is allegedly disclosed by the Official Notice. Finally, Applicants submit that even with the use of Official Notice, the references do not disclose each and every feature recited in claims 1-13.

Accordingly, Applicants respectfully request that the rejection of claims 1-13 under 35 U.S.C. §103(a) be withdrawn.

On page 5 of the Office Action, the Examiner requests the clarification of exactly what is prior art and what is the invention. Applicants submit that projector 10 according to the specification on pages 5 and 6, "includes two computers, an ASP terminal module 20 mainly having the similar function to those of a general computer and a projector module 30 mainly having the similar functions to those of a conventional projector." (Emphasis added.) Therefore, modules 20 and 30 are known; however, their incorporation into the projector 10, along with PC card 41 and external input device 40 as depicted in Figure 2, are unique to this invention. Accordingly, Applicants submit that the combination of terminal module 20 and projector module 30 into projector 10 is not "admitted prior art."

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

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Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Jaquelin K. Spong
Registration No. 52,241

JAO:JKS/scg

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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